



AGENDA

Wednesday, February 22, 2017

5:30 P.M. Closed Session

6:30 P.M. Open Session

**REGULAR MEETING
CITY COUNCIL, AIRPORT COMMISSION,
MARINA ABRAMS B NON-PROFIT CORPORATION, PRESTON PARK SUSTAINABLE
COMMUNITY NON-PROFIT CORPORATION AND SUCCESSOR AGENCY OF THE
FORMER MARINA REDEVELOPMENT AGENCY**

Council Chambers
211 Hillcrest Avenue
Marina, California

1. CALL TO ORDER
2. ROLL CALL & ESTABLISHMENT OF QUORUM: (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Successor Agency of the Former Redevelopment Agency Members)

MEMBERS PRESENT: Nancy Amadeo, Gail Morton, Frank O'Connell, Mayor/Chair Bruce C. Delgado

MEMBERS ABSENT: Mayor Pro-Tem/Vice Chair, David W. Brown (Excused)
3. CLOSED SESSION: *As permitted by Government Code Section 54956 et seq., the (City Council, Airport Commissioners, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency Members) may adjourn to a Closed or Executive Session to consider specific matters dealing with litigation, certain personnel matters, property negotiations or to confer with the City's Meyers-Milias-Brown Act representative.*
 - a. Conference with Legal Counsel – Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4) – One potential case
 - b. Conference with Legal Counsel - Existing Litigation (GC§54956.9(d)(1)) one case – City of Marina v. Barich Business Services (16CV000979)
 - c. Real Property Negotiations
 - i. Property: 3240 Imjin Road, Marina, Ca, Hangar 510
Negotiating Party: Rick Wilcoxson, Driven Performance, LLC
Property Negotiator: City Manager
Terms: All terms and conditions
 - ii. Property: Marina Municipal Airport Restaurant, Bldg 529, 771 Neeson Road, Marina, Ca
Negotiating Party: Annie Hobbs bda Taste of Elegance
Property Negotiator: City Manager
Terms: All terms and conditions

- iii. Property: 2660 5th Avenue, Marina, CA 93933
Negotiating Party: David Moon
Property Negotiator: City Manager
Terms: All terms and conditions
- iv. Property: ±100 acres of Marina Municipal Airport Property (APNs 031-111-035, 036, 037)
Negotiating Party: Valle Del Sol, LLC
Property Negotiator: City Manager
Terms: All terms and condition

6:55 PM - RECONVENE OPEN SESSION AND REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION

Assistant City Attorney Robert Rathie reported out Closed Session: Council met at 5:30 pm on 1 matter listed on the agenda as 3a, Council received information, gave direction and reportable action was taken.

4. **MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE** (Please stand)

5. **SPECIAL PRESENTATIONS:**

a **Recreation Announcements**

6. **SPECIAL ANNOUNCEMENTS AND COMMUNICATIONS FROM THE FLOOR:** *Any member of the Public or the City Council may make an announcement of special events or meetings of interest as information to Council and Public. Any member of the public may comment on any matter within the City Council's jurisdiction which is not on the agenda. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. City Council members or City staff may briefly respond to statements made or questions posed as permitted by Government Code Section 54954.2. In order that all interested parties have an opportunity to speak, please limit comments to a maximum of four (4) minutes. Any member of the public may comment on any matter listed on this agenda at the time the matter is being considered by the City Council.*

- Ruth Krotzer – Marina Youth Arts Talent Show on February 24th at Olsen Elementary School on Beach Road, doors open at 5:30 and show starts at 6:00pm.
- Grace Silva-Santella – Marina Tree and Garden Club, provided update on the Ken Gray Memorial Garden taking place next to the Council Chambers. We had 10 volunteers on Saturday and worked from 10:00am-5:00pm. Compost was donated by the Monterey Regional Waste Management District, woodchips donated by Smith Tree Service, Ed and two of the public works crew worked on Friday cutting up a huge tree branch and modifying the irrigation system. Coordination with Mike Owen to have a nice gathering for the bench to be put on the platform.
- Mike Owen – Commented about an email sent complaining about lack of road repairs; over past 5 years' city has spent over \$15 million in impact fees, federal/state grants to improve certain streets and roads by adding bike lanes, widening streets and adding roundabouts. Confused about difference of improving roads and maintaining road, which includes pavement repair. The city spent zero as far as maintenance and pavement repairs unless you count the \$15,000 that was spent on pothole repairs. Good news is that the city supported the County's Measure X TAMC tax.
- Liz Billingsley – American Legion Auxiliary Event on Sunday, February 26th from 12:00-4:00pm Authentic German Cuisine. Ticket are \$18 now and \$20 at the door.

- Harvey Dadwal – Announced that his hotel project in on schedule to open by the March 31st deadline.
- Marilyn Lidyoff – Provided Council and the public with a brief update on the statistics of the Monterey County Convention and Visitors Bureau website listing for Marina.
- Said Shaw – Supports Bojukaryu Judo Club. 17 children will be representing the City of Marina in the National Judo Championship at Spokane and also the International Judo Championship in Spokane. Seeking donation and will be doing fundraising to help offset costs for the tournaments.
- Joy Junsay – Announced the Monterey County Pease Officer’s Association is having their Annual Pease Officer of the Year Dinner on March 11, 2017 at the Monterey Hyatt Regency, Monterey Ball Room. Cost is \$60 per person and Marina will have a representative, a recipient being awarded that night. There will about 11 agencies honoring their officers as well who protect and serve our community. Check-in is a 4:00 pm and dinner is served at 5:30 sharp.
- Herbert Cortez – In support of a sustainable water source for the City of Marina. Congratulated Central Marina, we had about an 18% reduction as far as water conservation.

7. **CONSENT AGENDA FOR THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY:** *Background information has been provided to the Successor Agency of the former Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda for Successor Agency to the former Marina Redevelopment Agency and placed at the end of Other Action Items Successor Agency to the former Marina Redevelopment Agency.*

- a. Agency Board consider adopting **Resolution No. 2017-02**, receiving and filing the Successor Agency to the former Marina Redevelopment Agency audited statement of net position as of June 30, 2016 and the related statement of changes in net position for the year ended June 30, 2016.

8. **CONSENT AGENDA:** *Background information has been provided to the City Council, Airport Commission, Marina Abrams B Non-Profit Corporation, and Redevelopment Agency on all matters listed under the Consent Agenda, and these items are considered to be routine. All items under the Consent Agenda are normally approved by one motion. Prior to such a motion being made, any member of the public or the City Council may ask a question or make a comment about an agenda item and staff will provide a response. If discussion or a lengthy explanation is required, that item will be removed from the Consent Agenda and placed at the end of Other Action Items.*

a. **ACCOUNTS PAYABLE:**

- (1) Accounts Payable Check Numbers 81065-81189, totaling \$1,354,341.94

b. **MINUTES:** None

c. **CLAIMS AGAINST THE CITY:** None

d. **AWARD OF BID:** None

e. **CALL FOR BIDS:** None

f. **ADOPTION OF RESOLUTIONS:** None

g. APPROVAL OF AGREEMENTS:

- (1) ~~City Council consider adopting Resolution No. 2017, approving Lease Agreement between City of Marina and Driven Performance Manufacturing, LLC, of Sand City, California for the building located at 3240 Imjin Road (Building 510) at the Marina Municipal Airport; and authorizing Finance Director to make necessary accounting and budgetary entries; and authorizing City Manager to execute Lease Agreement on behalf of the City, subject to final review and approval by City Attorney. *Pulled by Council Member Morton, becomes agenda item 11d*~~

h. ACCEPTANCE OF PUBLIC IMPROVEMENTS: None

i. MAPS: None

j. REPORTS: (RECEIVE AND FILE):

- (1) City Council consider adopting **Resolution No. 2017-14**, receiving Marina Police Department 2015 Annual Report.
- (2) City Council consider adopting **Resolution No. 2017-15**, receiving and filing City of Marina audited Annual Financial Reports for the fiscal year ended June 30, 2016.
- (3) City Council consider adopting **Resolution No. 2017-16**, receiving and filing City of Marina auditor governance letter (SAS 114), City auditor management letter of comments (SAS 112) for fiscal year ended June 30, 2016.

k. FUNDING & BUDGET MATTERS: None

l. APPROVE ORDINANCES (WAIVE SECOND READING): None

m. APPROVE APPOINTMENTS:

- (1) City Council consider appointment to Planning Commission: Adam Urrutia, and Kathy Biala: Seats expiring February 2019.
- (2) City Council consider appointment to Recreation & Cultural Services Commission: Dusan Tatomirovic, Gainell Paige, and Jeremiah Smith: Seats expiring February 2019.
- (3) City Council consider appointments to Economic Development Commission: Tess Alcantara: Seat expiring 2019.

Council Member Morton requested to pull agenda item 8g(1) for questions, becomes agenda item 11d

DELGADO/AMADEO: TO APPROVE BOTH CONSENT AGENDAS MINUS 8g(1). 4-0-1(Brown)-0 Motion Passes

9. PUBLIC HEARINGS:

- a. City Council open public hearing taking testimony from public and consider adopting **Resolution No. 2017-17**, approving pre application hearing on design phase for possible State Community Development Block Grant (CDBG) 2017 Application(s); and, to solicit citizen input on possible competitive project(s).

Presentation by Marilyn Lidyoff

Public Hearing (Design Phase): Proposed Community Development Block Grant (CDBG)Application

Purpose of Public Hearing: Inform citizens of CDBG grant opportunities, Opportunity for citizens to make comments known on proposed project, receive public comments regarding types of eligible activities City of Marina should apply under state CDBG Program

Grant Program Requirements: HUD allocation \$27,000,000 – N.E., N.E. jurisdiction up to \$2,000,000, N.E. – units of local government do not receive CDBG funds directly from HUD, N.E. city population less than 50,000, 50% Rule - Design PH Phase: Discuss CDBG grant opportunities and receive public input on proposed program/activity - Submittal PH Phase: Approve Application for submittal to HCD – identify project - Public Hearings – 30 days apart

HUD Rule: Meet National Objective: Benefit to low-and-moderate income persons; Elimination of slums and blight; Meet an urgent community need certified by the grantee

According to HUD Exchange = 41.86% LMI - Jurisdictions over 51% LMI

Eligible Activities under CDBG: \$27,000,000 Program Allocation; Homeownership & Housing Rehab; Public Facility; Public Improvement in support of new housing; Public Service; Planning Studies; Economic Development Business Assistance; Economic Development Microenterprise Technical Assistance

Low/Moderate-Income Limited Clientele (LMC): Citywide LMI is 41.86% vs LMC; Exclusive benefit: Clientele who are generally presumed by HUD to be LMC; LMC benefits specific group of persons in Marina rather than everyone in area

Qualifications of LMC: Abuse children; Elderly persons; Battered Spouses; Homeless Persons; Illiterate Adults; Persons Living with AIDS; Migrant Farm Workers

Low/Moderate-Income Limited Clientele (LMC)- Restrictions

Restrictions on Use of Activity/Facility: Public Service /Facility is not available to entire community; Serves only LMC; Be of *nature* and in *location* that reasonably concludes that project will serve LMI persons.

Application due to HCD: Anticipated Application submittal May 2017

Mayor Delgado opened the public hearing for public comments:

- Virgil Piper – a lot of us old folks have come here tonight to show our support for this community development grant provided of course if it's applied toward the creation of a standalone Senior Center. The issue of retired seniors is not an issue limited to Marina. Most seniors in Monterey County are faced with severe financial problems particularly if their sole income is Social Security. There are other issues of course, there's health issues and possibility of cancer and deterioration of the human body and the dreaded on is dementia, depression and isolation. Marina, like many of the forward looking cities has provided programs to get seniors back on track and into the stream of life and in addition to social interaction the program offers a possible solution and they can get advice with respect to other issues that they might be concerned with as a senior; and of course updates on fraud schemes. Three years ago the senior program had over 400 paid members and this year it is less than 160, so the program is suffering. The 2010 Census indicated that there were 3300 Marina residents who were 60 years of age or older, so we're doing poorly with respect to reaching out to the senior population. Obviously we cannot expect a huge senior response to a program which inserts seniors into a building which is designed for youth activities. One wonders of course what's going to happen when the playground across the street gets in full swing this summer and the noise and bathroom foot traffic in and out during senior activities will be a very serious distraction. The Marina senior program is important and worth saving. I think this community development grant offers a solution to this. We hope to get your support for this grant and proceed with a possible solution to this problem. Thank you
- Joy Junsay – While the City of Marina could use a new City Hall to replace the temporary building since 1975, I'm here to express my support for the City Council to consider submitting a CDBG grant application for a new Senior Citizen Center. As you know, the Rocky Han Community Center across

the street from City Hall currently houses and serves as a Youth Center and Senior Center. The Youth Center is open to children ages 5-12 between the hours of 2:00pm-6:00pm Monday, Tuesday, Thursday and Friday and open from 1:00pm-6:00pm on Wednesday. The Marina Senior Center is open to adults ages 55 and up between the hours of 9:00am-2:00pm Monday-Friday. Some of the activities are held at the Vince DiMaggio Park Building. The youth utilize the south section of the Community Center, and the Seniors are in the north section. If you visit the Rocky Han Community Center, you'll see that the Youth Center is a great place for Marina's youth to gather after school for a number of great programs and activities. However, the south section can get quite crowded is the north section is being used to accommodate the Senior programs at the same time. Both the Youth and Seniors need more space to be able to expand their programs for a growing community, store supplies, and serve each group with age appropriate activities without having to move to another location, such as what is happening for some of the Senior activities being moved to Vince DiMaggio Park Building. I encourage the City Council to approve submitting CDBG grant for a new Senior Center and let the Youth have their own building they can call their own.

- Ruth Krotzer – There is one city on the peninsula that doesn't serve the seniors by having a Senior Center. There are numerous people here tonight who have indicated that yes they are totaling in favor of us having our Senior Center but I want you to know that there are also numerous people who are not here tonight who are in favor of the Senior Center because they don't drive at night, it's too dark, cold and too windy out but they have signed a petition that Mr. Piper submitted to you in the past, over 300 signatures and that's just a start of seniors who are totally in favor of the need. We love children, but the point is it's really an injustice to them and us to have to share the Rocky Han Community Center with them for their activities and us for our activities. So we're precluded from having numerous talks and meetings and lectures because we have to forfeit the building to them and they have to forfeit to us at other times. The CDBG grant is win, win.
- Judy – I'm just a senior who lives in Marina but it would be so nice to be able to find a place to live here that a senior who is just on social security and a small retirement plan, here it's hard to find housing and also the senior center, we do get up at six in the morning to come over here, most of us are lucky to be here by nine, so that leaves us from 9:00am-2:00pm. I would just like to express my opinion that I think we are really in need, and we see all these things and believe me I'm for the kids but children, children programs, programs, programs for children but how many of these programs have you seen for seniors? We should think more about our elderly people that can't get out or have limited ways of getting out and very limited places to go when we can get out. I would very much like for you to take that into consideration.
- Grace Silva-Santella – Commented on her mother being 91 and lives in Monterey and actively uses the Sally Griffith Center and Senior Center on Lighthouse Avenue that Monterey runs. I've enjoyed activities with her at both of those facilities and have given her a 90th birthday party at the Sally Griffith Center. I'm here to say that this is something we desperately need in this community. You just see by how busy our Saturday music events are at the Library that the Friends of the Marina Library puts on and the age of the people who come to those music events, seniors, some kids but mostly older people really enjoy those events. So I spoke to you all when you had the Capital Improvement Program and was so sad and sent you off an email so sad that gosh it looks like we're not going to get our Senior Center here in Marina. I'm thrilled about this and I do hope that you apply for this specifically for Senior Center and that we then have some really great workshops that not just those who are actively involved in senior activities here in Marina but those of us who haven't yet been able to retire but technically are seniors can also participate in those workshops. Thank you very much.
- Eric Corzelle – New resident to Marina and supports for a senior center from a no-senior perspective. I live in a predominately senior community and here with some of my friends. I'm proud that I can call them friends because I've learned a lot from them and one of the things that has been pressed upon me is the lack of a standalone Senior Citizens facility. The place where we reside offers a once a week, for one-hour art class. So seniors gather and no seniors too and it's an activity that is very relaxing, good for the mind, very good for battling depression or other things. So in communicating with some of my

fellow residents I stand in strong support for a standalone senior citizen's facility, in Marina that's accessible and of course would meet the two of the criteria's in the presentation, low-to-moderate income and a community need. The youth are very important to serve but it would be great to have a balance in a future city council meeting to say that these are the senior's recreational activities as well as the youths.

- Betty Mara – I'm a 79-year-old senior and in two programs, the Bingo once a week at Teen Center and once a week at the Thi-Chi at the Vince DiMaggio Park and I think most of all Marina needs a single senior center for a closer sense of belonging. Seniors have to go somewhere, they don't have a place of their own and I think we need this for a growing community of Marina. We need this community center and I'm in total support for it. Thank you.

AMADEO/DELGADO: TO ADOPT RESOLUTION NO. 2017-17, APPROVING PRE APPLICATION HEARING ON DESIGN PHASE FOR POSSIBLE STATE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2017 APPLICATION(S); AND, TO SOLICIT CITIZEN INPUT ON POSSIBLE COMPETITIVE PROJECT(S). 4-0-1(Brown)-0 Motion Passes

10. OTHER ACTIONS ITEMS OF THE SUCCESSOR AGENCY TO THE FORMER MARINA REDEVELOPMENT AGENCY: *Action listed for each Agenda item is that which is requested by staff. The Successor Agency may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*
11. OTHER ACTION ITEMS: *Action listed for each Agenda item is that which is requested by staff. The City Council may, at its discretion, take action on any items. The public is invited to approach the podium to provide up to four (4) minutes of public comment.*

Note: No additional major projects or programs should be undertaken without review of the impacts on existing priorities (Resolution No. 2006-79 – April 4, 2006).

- a. City Council receive public comment and brief update regarding CalAm Monterey Peninsula Water Supply Project Draft Environmental Impact Report/Environmental Impact Statement.

City Manager Long provided update – The city is moving forward with our responses to the DEIR. Currently right now we have until Monday, February 27, 2017 to respond and we have various people engaged that are working with this and we will be responding to that. We have requested an extension and we have not heard back from the CPUC or the National Marine Sanctuary at this point. We've requested several weeks ago that this is a lot of information, lot of data, over 2000 page this DEIR and we really need a lot more time to look at it and have requested an extension but we have not heard back. At this point our intent is to file our comments by February 27th.

City Attorney Rathie – This proceeding is before the CPUC at this point and that would be the venue that the comments are made.

Public Comments:

- Elizabeth Billingsley – lived in the city since 1961 and that's when our water company started. How can the CPUC listen to all of Cal-Am's sob stories about the current plight of now water when they did nothing to responsibly manage their own water sources. The environmental review there is no mention about the Salinas Valley Groundwater Basin needs for our people. Does Cal-Am care if we cannot meet our own future water needs? Cal-Am has no rights to our water. Ad us to the Cal-Am list of Carmel River and Seaside Groundwater Basin of destroyed water resources that Cal-Am has brought upon their own ratepayers. Marina says NO to Cal-Am.

- Karyn Wolfe – Commented that the project proposes to draw 24.1 million gallons per day from our water aquifer and that the DEIR calls this “seawater” it is in fact groundwater that is partially contaminated by seawater, therefore Cal-Am would be taking groundwater from our aquifer. This is water to which Cal-Am does not have rights. As a resident of Marina I’m strongly opposed to this large scale project. I urge to do everything in your power to resist what appears to be a water takeover. Asked if the City residents will be able to hear the city’s perspective that they put together either before or after they are submitted to CPUC?
- Harvey Biala – Commented that he has over 500 letter signed by mostly Marina and Ord Community residents that will be sent tomorrow to the PCUC and the Monterey Bay National Marine Sanctuary who will make final decision on the Cal-Am Slant Well Project DEIR. Copies of these letters will also be sent to tomorrow to 9 other agencies that have some part to play in water issues. As a community we will not be silent when it comes to our water.
- Rebecca McCallon – Had not thought about knowing what the City has to say before you present it and that’s a good question, will we get to know how you’re going to represent us? I’ve been here since 1963 and its always been MCWD. I have a hard time when I lay in bed and think about “wow, if I had gold in my backyard and somebody came along and stole all your gold and then wanted to come in my backyard and take mine”, no this is ours. What gives you a right here? And for me it’s that basic. What gives you a right to come in here, this is ours? Legally I would like to know the question. What gives them that right?
- Kathy Biala – Cal-Am has no legal rights to our groundwater basin. This specific type of slant well technology is experimental and therefore requires a high level scrutiny, but basic scientific methodology has been breached in the Cal-Am project. Comment that brackish water is valuable in a desalinization process because it contains a portion of fresh water by definition. Cal-Am does not have an accurate baseline as they have omitted a vital purged fresh layer of water in their modeling. Commented that the ERT technology can give thousands upon thousands of data point and ERT was completely ignored by Cal-Am. Noted the test slant well study has not even been completed and yet this DEIR is to be approved? Noted two major data variances in the test well have already occurred, 1) exceeding the acceptable water drawdown level of more than one-foot and 2) not reaching a projected salinity level of 96% in the threshold well. Quotes Section 2.6 from the DEIR. Asked Council to demand a delay in DEIR approvals until the ERT study is completed.
- Margaret-Anne Coppennoll – Submitted a copy of her comment letter to the DEIR to the Council that and asked that her letter be attached to the comments that Marina will be submitting. Indicated that city might need it in the future as backup. Encourage Council to deny any request for permits or certifications because the project is in violation of the City of Marina’s Coastal Land Use Plan and violates regional water justice. This is illegal action because it is not lawful to take water and not give it a beneficial use be reasonable means. Stated that illegal to take groundwater from one jurisdiction and transport it to another jurisdiction. Asked Council to support MCWD, they have the groundwater rights and we need to protect them and preserve Marina’s water.
- Juli Hoffmann –Alarmed with how little concern has been given to the long-term effect of this proposed slant well to Marina and its residents. DEIR indicates subsurface ocean water intake slant wells don’t use straight seawater as someone mentioned. The slant wells must use groundwater too and that’s our water. Commented on the Peer review in the DEIR that states that Cal-Am’s modeling that’s been used to prove no harm is incomplete and needs more data. There are no water rights for Cal-Am as mentioned but there is a campaign to claim Marina groundwater degraded and so as to usurp groundwater by appropriative rights, this is in the DEIR it’s actually spelled out there. Noted there is no historical data for any desal subsurface intake slant wells that provides drinking water to residents because not one exists anywhere in the world. Glad that MCWD will be using this ERT to CAT scan the groundwater and we will really find out where our fresh water is. This DEIR cannot be supported by the city of Marina or its residents. The deadline for any public comment to the CPUC is February 27th.

- Jan Shriner – Comments as a resident of Marina – agrees with previous speakers about the water rights situation but wants to focus on tonight on the erosion along Marina’s coast. Noted that right now the tide comes up beyond the inner tidal range, inland of the dredge pond and to the edge of the settling pond where the slant well actually lies. Cal-Am claims the test well is 30 feet above the inner tidal and it’s not. Showed Marina Coast boundary map outlaying slant wells and erosion. What erosion rate was used in Cal-Am model? What does the CPUC use?
 - b. City Council consider adopting **Resolution No. 2017-18**, approving the creation of a blanket public utility easement on City property and within Specific Plan boundaries of The Dunes on Monterey Bay development project subdivision (formerly University Village), authorizing the City Clerk to record certified copy of resolution in the Monterey County office of the County Recorder, and; authorizing the City Manager to execute the easement agreement on behalf of the City subject to final review by the City Attorney.

DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2017-18, APPROVING THE CREATION OF A BLANKET PUBLIC UTILITY EASEMENT ON CITY PROPERTY AND WITHIN SPECIFIC PLAN BOUNDARIES OF THE DUNES ON MONTEREY BAY DEVELOPMENT PROJECT SUBDIVISION (FORMERLY UNIVERSITY VILLAGE), AUTHORIZING THE CITY CLERK TO RECORD CERTIFIED COPY OF RESOLUTION IN THE MONTEREY COUNTY OFFICE OF THE COUNTY RECORDER, AND; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EASEMENT AGREEMENT ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW BY THE CITY ATTORNEY. 4-0-1(Brown)-0. Motion Passes

Public Comments: None received

- c. City Council consider adopting **Resolution No. 2017-19**, establishing the Monterey Bay Community Power Authority and approving the City of Marina as a founding member of the Authority; and Introduce the attached Ordinance No. 2017-, authorizing the implementation of a Community Choice Energy program in Marina; and direct staff to move forward on discussions and participation for City of Marina share of the credit guarantee; and, appoint two representatives of this governing body to serve as a primary and alternate on the newly formed Monterey Bay Community Power Board of Directors.

Jenny Johnson, Santa Cruz Supervisor Bruce McPherson’s office – Monterey Bay Community Power/Community Choice Energy Program is a partnership with the investor utility that is currently providing all of our services. It would establish a local government agency that would procure greener and renewable energy for our community, would offer a choice for our community residents; PG&E would still remain and they could still be a choice for residents. PG&E would deliver the power, do all the customer service, and billing as they are now and at the end of the day it would allow Marina and the rest of our regional partners to meet our greenhouse gas reduction goals as well as some really important economic vitality goals, keeping the revenue locally into our region and using surplus revenues for the benefit of the region of the ratepayers. Key benefits of the program are: we would local choice where we purchased our power, we would have more renewable energy in our portfolio and for that economic vitality piece for all the customers who choose to be with Monterey Bay Community Power we would give them greener power on rate priority or less. Our technical analysis that we did on half of Marina and all the other partners indicates that we can double your green renewable energy on rate priority, and still experience surplus

revenues from \$8-\$10 million per year and we can invest those revenues into the community in renewable energy projects creating local jobs.

Council Questions: Does electrical rates include the initial cost and the program cost (startup costs) that are going to be channeled into the customer; Guarantee Line of Credit, if city decided to not continue the JPA do we get that back; City's financial risk it would be taking on; if city drops out of program do Marina customers still the right to participate in the program; how is it determined the amount that the individual customer is going to have to pay for the reimbursements; is the amount adjusted accordingly when more customers come on board; what is the difference between the customer being responsible and the loan guarantee that the city has to put up; Who is responsible for the \$10-\$15 million to cover power supply, construction and early operational working capital needs; could city joint at a later time; what is the effect of the County of Monterey Supervisor's vote on this; if a population changes of a particular community would that change the way the Board is set up; those that share a seat is the governance set up now that we would know every year the rotation changes; if County wants a different structure is their option currently to be in under this model or to be out; it's true that if they get more vote it dilutes the City of Marina's vote, correct; if you can change the structure at the pleasure of the Board, we're not even out of the gate and you're asking us to guarantee one-quarter of one-ninth; guarantee on a set circumstances do we have right to come back and withdraw our guarantee; if County opts-out there will be a 10 member Board does our percentage share go up proportionately; Section 6.3-Continuing Financial Obligations if we withdraw; is it possible to put into this agreement right now that the JPA cannot alter the voting structure until our guarantees are terminated, is it possible to put in to protect us as a city; would "wind energy" cost more than "PG&E"; do household have more options for green power; can customers opt-in or opt-out annually; who decides who get the first vote for shared seats?

Public Comments:

- Jane Parker, Supervisor 4th District – Commented that she serves 4th on the County's Alternative Energy and Environment Sub-committee and have been interested in this effort for a number of years. A lot of thought has gone into how this might work, a feasibility study has been done and the County asked that the process be slowed down so that there could be a survey of residents done. We did a pole of the residents and a lot of people haven't heard of it but when they did hear what the idea was they really liked it on all levels. We all as jurisdictions have greenhouse gas reduction requirements coming at us from the state. As you know my Board took a sideways detour a couple of weeks ago, the majority of the Board decided to make a push for more voting power for the County of Monterey and a couple of other jurisdictions. The JPA has been formed under the agreement that is before you tonight and I would like to urge you to move forward with one the JPA that is before you and let the residents of Marina participate in this program.
- Michael Saint – from Aptos and came here tonight because of the importance of this matter. Recommends going to the Monterey Bay Community Power website to better understand the program. Utility companies in this state have tried to kill the top solar by trying to get rid of net metering. If we don't adopt something like this Community Choice Energy, it's going to come up again with the CPUC in California and they are going to continue to try disincentives solar especially rooftop. Very important that this paces primarily for that reason. This will also help stabilize rates. I haven't paid a utility bill in years since going green energy. I urge you to pass this resolution.
- Alexandra Burke – Voiced her support for this project. It's positive and proactive, and it's a really exciting opportunity to be part of the solution. The environment is the least priority at the Whitehouse, and scarred the EPA will be dismantled entirely and feel our only choice is local control of our power and local action. Hope Council chooses to join.
- Karyn Wolfe – Grateful for Council paying attention and asking all the questions and looking out for our city. Thinks it's important that we join now with the current structure. I would us to take advantage of being a founding member, there's something to that. Would like to build on the energy that we've already put into it and want's the JPA to get going. Glad the voting structure is already set. Should join for two reasons 1) because it maximizes our representation; and 2) if we expand the

representation that's being suggested by the County it could actually increase the exposure of people who are more inclined to favor oil and gas. How is natural gas get billed? CARE Customer issue but also a Medical Rate Customer and asked if this project offers the same?

- Jan Shriner – This sound like a great thing for the community. Thanked the City Manager for being so diligent on attending. I looked into solar panels for my home and was told that I since I use so little kw hours per day it wouldn't pencil out, so is the any kind of minimum for people to become members of the CCE if the City of Marina were it to invite it into the community? Commented about a Letter to the Editor in the Herald this morning that made it seem like it was taking away your choice if a town was committing to CCE, is that a possibility? This about choice and reducing the oil dependency. It's nice that we can offer a little bit of competition in choices so please support form Marina the CCE.
- Andy Shawcoran – Lives in Aptos, grew up in the tri-county and we're all in this together. Really important, since it was pointed out that given that there is no real leadership of our country in terms of moving us toward a livable future for our children. Communities like the Monterey Bay area have to take leadership and have to show people around the world that there is still a willingness to solve problems and do the right thing and this is one way we can show that a community can move rapidly to increase its renewable energy and think seriously about the problems we face. Thinks Council should vote for the JPA.
- Brennen Jensen – When presented in San Benito County the Board of Supervisors there named this historic decision and you now have that before you to take a leadership role now just for your own city but really for the region and encouraged council to do that. Commented on sending in two letters one from her as a business owner and the other Monterey Bay Regional Climate Action Compact. The Compact comprises the 21 jurisdictions in the Tri-County area who have come together to take meaningful action against the causes and impacts of climate change. In 2011 we identified Community Choice Aggregation/Community Choice Energy as a single most important initiative that we could adopt as a region to address climate change. By taking control over the type of energy we purchase we have the opportunity to dramatically reduce our greenhouse gas emissions. Noted there have been over 90 community education meetings. Supported by many environmental groups.
- Mary Shawcoran – Supporter of Measure Z, concerned after the vote of the Monterey County Board of Supervisors and decided to encourage or members, many of whom support Community Choice Energy to get involved and come to meetings. Pointed out that a lot of volunteers for Measure Z did so this because they are concerned about climate change. After the passage of Measure Z we were happy to see that there is an option or gift from Santa Cruz County and that's how you should view this. Our Coordinating Committee was concerned about the cynicism of some of the Supervisors who do not understand what a great opportunity this is. You now have an opportunity to look at the future. We have already banned fracking and extreme oil extraction. Everything has risks and in reality of our planet there are huge risks. Encouraged Council to embrace this opportunity and approve the JPA.

MORTON/DELGADO: TO ADOPT RESOLUTION NO. 2017-19, ESTABLISHING A MONTEREY BAY COMMUNITY POWER AUTHORITY; APPROVING THE CITY OF MARINA AS THE FOUNDING MEMBER; AND DIRECT STAFF TO MOVE FORWARD ON DISCUSSIONS AND PARTICIPATION FOR CITY OF MARINA'S SHARE OF THE CREDIT GUARANTEE; AND TAKE THE POSITION THAT THERE IS TO BE NO MODIFICATION TO THE GOVERNING STRUCTURE UNTIL THE GUARANTEE TERMINATES; AND BY THE GOVERNING STRUCTURE THE VOTING STRUCTURE; AND APPOINT MAYOR BRUCE DELGADO AS PRIMARY AND COUNCIL MEMBER GAIL MORTON AS ALTERNATE THIS GOVERNING BODY TO SERVE AS A PRIMARY AND ALTERNATE ON THE NEWLY FORMED MONTEREY BAY COMMUNITY POWER BOARD OF DIRECTORS. 4-0-1(Brown)-0 Motion Passes

MORTON/AMADEO: THAT WE INTRODUCE ORDINANCE NO. 2017-, AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE ENERGY PROGRAM IN MARINA FOR FIRST READING BY TITLE ONLY. 4-0-1(Brown)-0 Motion Passes by Roll Call Vote

- d. City Council consider adopting **Resolution No. 2017-20**, approving Lease Agreement between City of Marina and Driven Performance Manufacturing, LLC, of Sand City, California for the building located at 3240 Imjin Road (Building 510) at the Marina Municipal Airport; and authorizing Finance Director to make necessary accounting and budgetary entries; and authorizing City Manager to execute Lease Agreement on behalf of the City, subject to final review and approval by City Attorney. *Pulled by Council Member Morton, was agenda item 8g(1)*

Council Member Morton questioned: rent increases with the next 5 years; cap on employees based on ADA restrooms; building improvement allowance/rent credit City right for rejections.

10:00 PM

Delgado/Amadeo: that we continue meeting to 10:10 PM if necessary

DELGADO/AMADEO: TO APPROVE RESOLUTION NO. 2017-20, APPROVING LEASE AGREEMENT BETWEEN CITY OF MARINA AND DRIVEN PERFORMANCE MANUFACTURING, LLC, OF SAND CITY, CALIFORNIA FOR THE BUILDING LOCATED AT 3240 IMJIN ROAD (BUILDING 510) AT THE MARINA MUNICIPAL AIRPORT; AND AUTHORIZING FINANCE DIRECTOR TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES; AND AUTHORIZING CITY MANAGER TO EXECUTE LEASE AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY. 4-0-1(Brown)-0 Motion Passes

- e. City Council consider adopting Resolution No. 2017-, ~~receiving the General Fund Fiscal Year 2016-17 Mid-Year Fiscal Report; authorizing Finance Director to make appropriate accounting and budgetary entries, and; provide staff with any further direction in the matter.~~ *Continued to March 7, 2017*

12. COUNCIL & STAFF INFORMATIONAL REPORTS:

- a. Monterey County Mayor's Association [Mayor Bruce Delgado]
- b. Council and staff opportunity to ask a question for clarification or make a brief report on his or her own activities as permitted by Government Code Section 54954.2.

13. ADJOURNMENT: Meeting adjourned at 10:10 PM

Anita Sharp, Deputy City Clerk

ATTEST:

Bruce C. Delgado, Mayor